

DECLARATION - USA PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled ARGININE SILICATE INOSITOL COMPLEX AND USE THEREOF; the specification of which was filed on **August 22, 2003** as Application Serial No. **10/646,075** and was amended on .

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

I hereby claim the benefit under Title 35, United States Codes § 119(e) of any United States provisional application(s) listed below.

Application No.: 60/405,749

Filing Date: August 22, 2002

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: **Vijaya Juturu**

Inventor's signature Vijaya Juturu

Date Dec 17, 2003

Residence: **Dobbs Ferry, New York**

Citizenship: **Indian**

Post Office Address: **200 Beacon Hill Drive, Apt. 3J, Bldg. 3, Dobbs Ferry, NY 10522**

Full name of second inventor: **James R. Komorowski**

Inventor's signature



Date

DECEMBER 17, 2003

Residence: **Trumbull, Connecticut**

Citizenship: **United States**

Post Office Address: **83 Bunker Hill drive, Trumbull, CT 06611**

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Send Correspondence To:

KNOBBE, MARTENS, OLSON & BEAR, LLP

Customer No. 20,995

NUTRI.027A



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Juturu, et al.)
App. No. : 10/646,075)
Filed : August 22, 2003)
For : ARGININE SILICATE INOSITOL)
COMPLEX AND USE THEREOF)
Examiner : Unassigned)

ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION
AND
REVOCATION AND POWER OF ATTORNEY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). A true copy of the original Assignment of the above-captioned application from the inventor(s) to the Assignee is attached hereto. This Assignment represents the entire chain of title of this invention from the Inventor(s) to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, 2040 Main Street, Fourteenth Floor, Irvine, California 92614, Telephone (949) 760-0404, **Customer No. 20,995**, as its attorneys with full power of substitution and revocation to prosecute this

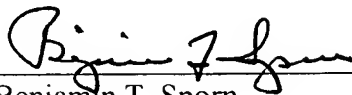
App. No. : 10/646,075
Filed : 08/22/2003

application and to transact all business in the U.S. Patent and Trademark Office connected herewith. This appointment is to be to the exclusion of the inventor(s) and his attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please use **Customer No. 20,995** for all communications.

NUTRITION 21, INC.

Dated: December 18, 2003

By: 
Benjamin T. Sporn

Title: Senior Vice President,
General Counsel and Secretary

Address: 4 Manhattanville Road, Suite 202
Purchase, NY 10577

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Application No.: 10/646,075
Filing Date: August 22, 2003

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PATENT
Client Code: NUTRI.027A
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ASSIGNMENT

WHEREAS, We, Vijaya Juturu, a citizen of India, residing at 200 Beacon Hill Drive, Apt. 3J, Bldg. 3, Dobbs Ferry, NY 10522, and James R. Komorowski, a United States citizen, residing at 83 Bunker Hill Drive, Trumbull, CT 06611, have invented certain new and useful improvements in a ARGININE SILICATE INOSITOL COMPLEX AND USE THEREOF for which we have filed an application for Letters Patent in the United States, Application No. 10/646,075, filed on August 22, 2003;

AND WHEREAS, Nutrition 21, Inc. (hereinafter "ASSIGNEE"), a New York Corporation, with its principal place of business at 4 Manhattanville Road, Suite 202, Purchase, NY 10577, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all provisional applications relating thereto, and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 17th day of Dec, 2003

Vijaya Juturu
Vijaya Juturu

STATE OF NEW YORK }
COUNTY OF WESTCHESTER } ss.

On December 17, 2003 before me, Rosalee J. Golcowski, personally appeared Vijaya Juturu personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

Rosalee J. Golcowski
Notary Signature

ROSALEE J. GOLCZEWSKI
Notary Public, State of New York
Reg. #: 01GO6015289
Qualified in Westchester County
Commission Expires 10/26/2006

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IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 17 day of DECEMBER, 2003.

James R. Komorowski
James R. Komorowski

STATE OF

COUNTY OF

SS.

On December 17, 2003, before me, Rosalee J. Golczewski, personally appeared James R. Komorowski personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

Rosalee J. Golczewski
Notary Signature

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ROSALEE J. GOLCZEWSKI
Notary Public, State of New York
Reg. #: 01GO6015289
Qualified in Westchester County
Commission Expires 10/26/2006